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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Stephen D. Kuslich et al.
Application No.:	09/738,726
Filed:	December 15, 2000
For:	TOOL TO DIRECT BONE REPLACEMENT MATERIAL
Examiner:	<i>Not yet assigned</i>
Group Art Unit:	<i>Not yet assigned</i>

Commissioner for Patent
Washington, D.C. 20231

Docket No.: S85.2-9608

INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached Form PTO-1449 and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in

§1.56.

Applications that are listed on the accompanying modified form 1449 as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the 1449 and/or 892 forms from these cases.

 X I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- X (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- X (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

 II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or

included with the payment of other papers filed together with this statement.

____ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

____ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

____ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

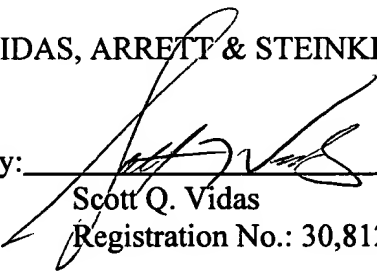
L.S.

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

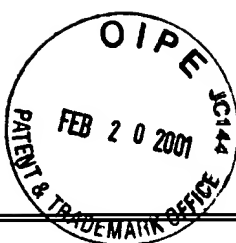
Respectfully submitted,

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Modified Form 1449 UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)	ATTY DOCKET NO.:		APPLICATION NO.	
	APPLICANT:			
	FILING DATE:		GROUP:	
UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY				
EXAM'S INIT		APPLICATION NO.	FILING DATE	INVENTOR(S)
	DA			
	DB			
	DC			
	DD			
	DE			
	DF			
EXAMINER			DATE CONSIDERED	
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.				

Modified Form 1449 US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)	ATTY DOCKET NO.: S85.2-9608		APPLICATION NO. 09/738,726			
	APPLICANT: Stephen D. Kuslich et al.					
	FILING DATE: December 15, 2000		GROUP:			
US APPLICATIONS RELATED BY PRIORITY						
EXAM'S INIT		APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
	EA	09/608,079	June 30, 2000		Stephen D. Kuslich et al.	X
	EB					
	EC					
	ED					
	EE					
	EF					
	EG					
EXAMINER			DATE CONSIDERED			
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						

Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.

1 of 1

FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO.: S85.2-7189		SERIAL NO.: 09/608,079	
APPLICANT: Stephen D. Kuslich et al.				FILING DATE: June 30, 2000		GROUP: 3738	

REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
AA	5,549,679	8/20/06	Kuslich .	623	17		
AB	5,571,189	11/5/96	Kuslich	623	17		
AC							
AD							
AE							
AF							
AG							
AH							
AI							
AJ							

RELATED APPLICATIONS					
EXAM'S INIT.	APPLICATION NO.	FILING DATE	INVENTOR(S)	RELATED BY	
				SUBJECT	PRIORITY (\$120)
BA					
BB					

FOREIGN PATENT DOCUMENTS							
EXAM'S INIT.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
CA							
CB							
CC							
CD							

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)	
DA	
DB	
DC	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.